

BOARD OF SUPERVISORS

MINUTES

December 13, 2006

Supervisors in Attendance:

Mr. R. M. "Dickie" King, Jr.,
Chairman
Mr. Kelly E. Miller, Vice Chrm.
Mrs. Renny Bush Humphrey
Mr. Donald D. Sowder
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Kevin Bruny, Dean
Chesterfield University
Mr. Allan Carmody, Dir.,
Budget and Management
Ms. Jana Carter, Dir.,
Juvenile Services
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Barry Condrey, Chief
Information Officer
Mr. Richard Cordle,
Treasurer
Mr. Roy Covington, Dir.,
Utilities
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. William W. Davenport,
Commonwealth's Attorney
Mr. Jonathan Davis, Dir.,
Real Estate Assessments
Mr. Will Davis, Dir.,
Economic Development
Ms. Rebecca Dickson, Dep.
County Administrator for
Human Services
Ms. Deborah Dugger, Dir.,
Youth Group Home
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst.
to County Administrator
Ms. Lisa Elko, CMC,
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Lawrence C. Haake, III
Registrar
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joe Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir., Revitalization

Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Louis Lassiter, Dir.,
Internal Audit
Mr. Michael Likins,
Coop. Extension Director
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Chief Paul Mauger,
Fire Department
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Francis Pitaro, Dir.,
General Services
Lt. Col. Dennis Proffitt,
Sheriff's Office
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. King called the regularly scheduled meeting to order at 2:06 p.m.

Mr. King stated both Mr. Miller and Mr. Warren were unable to attend the afternoon session, but will attend the evening session.

1. APPROVAL OF MINUTES FOR NOVEMBER 20, 2006 (TRANSPORTATION SUMMIT) AND NOVEMBER 21, 2006 (REGULAR MEETING)

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board approved the minutes of November 20, 2006 and November 21, 2006, as submitted.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. SENIOR HALL OF FAME AWARDS PRESENTATION

Mr. Ramsey introduced Ms. Lisa Miles, Chesterfield Senior Volunteer Hall of Fame Committee member.

Ms. Miles recognized Mrs. Phyllis K. Bass, Lt. Ret. Samuel O. Smith, and Rev. Dr. W. Robert Floyd, Sr., who were inducted

as members of the Chesterfield Senior Volunteer Hall of Fame on October 26, 2006. She thanked the Board for its support of the Senior Hall of Fame.

(It is noted Dr. Floyd was unable to attend today's meeting.)

2.B. CHESTERFIELD 2007 COMMEMORATION PRESENTATION

Ms. Dickson provided details of the county's plans for the Chesterfield 2007 commemoration. She stated six signature events are planned, including opening of the renovated county museum; the Godspeed Sail through the Richmond Region, with docking at Henricus Historical Park; the Pocahontas Festival; the Chamber of Commerce Wine Festival; Eppington Heritage Day; and the Chesterfield Air Show. She provided details of exhibits planned throughout the year; marketing and publicity for the 2007 commemoration; and hosting of twinning visits to further the county's relationship with Gravesend, England. She noted the Board will be considering an item on the Consent Agenda requesting additional funding for the 2007 commemoration events.

2.C. EFFICIENCY REPORT

Mr. Ramsey stated a report on efficiency in county government has been delivered to the Board, as requested by Mr. King in January 2006. He further stated the report also addresses actions that have been taken to make county government as open as possible and economic development efforts in the Jefferson Davis Corridor and the Watkins Centre. He stated a supplement will be provided identifying areas that need improvement, as requested by Mr. King today.

3. BOARD MEMBER REPORTS

There were no Board member reports at this time.

4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board moved Item 8.B.9., Appointments to Sustain Our Communities Committee, to follow Consent Items; added Item 8.C.17., Award of Contract for Construction of Courtroom and Judge's Chamber Number 6 in the Juvenile and Domestic Relations Courthouse to Parrish Construction Services, Incorporated; added Item 8.C.18., Award of Contract for Construction of the Meadowdale Branch Library to Z-Corp; and adopted the Agenda, as amended.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

5. RESOLUTIONS AND RECOGNITIONS

5.A. RECOGNIZING SERGEANT ROY W. SCHOTT, SHERIFF'S OFFICE, UPON HIS RETIREMENT

Lieutenant Colonel Proffitt introduced Sergeant Roy Schott, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Sergeant Roy W. Schott began working for the Chesterfield County Sheriff's Office on September 16, 1978, serving in the Correctional Services Division dealing with inmates entrusted to the Sheriff's care; and

WHEREAS, Sergeant Schott served on the original Special Operations Response Team (S.O.R.T.) for the Sheriff's Office; and

WHEREAS, Sergeant Schott was promoted to the rank of Sergeant in November 1984; and

WHEREAS, Sergeant Schott served in several divisions of the Sheriff's Office, including the Correctional Services Division, Courts Division, Civil Process Division and the Old Juvenile Courts Division; and

WHEREAS, Sergeant Schott served as a Department of Criminal Justice Services Instructor in Defensive Tactics, General Instructor and Stun Gun Instructor; and

WHEREAS, Sergeant Schott's dedication and service to the citizens of Chesterfield County has been recognized on numerous occasions with various letters of appreciation and letters of commendation.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 13th day of December 2006, publicly recognizes the contributions of Sergeant Roy W. Schott, expresses the appreciation of all citizens of Chesterfield County for his dedicated and loyal service, and extends appreciation for his service to the county and congratulations and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Sergeant Schott and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

Mr. King presented the executed resolution and a Jefferson Cup to Sergeant Schott, accompanied by Lieutenant Colonel Proffitt, expressed appreciation for his dedicated service and congratulated him on his retirement.

Sergeant Schott expressed appreciation for the recognition.

5.B. RECOGNIZING MR. JAMES KVETKO, DEPARTMENT OF GENERAL SERVICES, FLEET MANAGEMENT DIVISION, UPON HIS RETIREMENT

Mr. Pitaro introduced Mr. James Kvetko, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. James G. Kvetko retired December 1, 2006 after providing twenty-nine years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Mr. Kvetko began his service April 11, 1977, as a Fire Apparatus Technician, in the Chesterfield County Fire Department; and

WHEREAS, Mr. Kvetko has seen the county's Fire Department fleet grow from approximately forty pieces of apparatus to more than seventy-five engines, ladder trucks and ambulances; and

WHEREAS, Mr. Kvetko obtained the Level of Master Automobile Technician, Master Truck Technician, Master Airport Rescue and Fire Fighting (ARFF) Vehicle Technician and Master Emergency Vehicle Technician (EVT), an achievement obtained by very few technicians in the nation; and

WHEREAS, Mr. Kvetko was instrumental in the development of a successful fire apparatus maintenance support and services program, which reflects a daily average readiness rate of nearly 95 percent on the county's most complex equipment; and

WHEREAS, Mr. Kvetko tutored and mentored his co-workers to become the best in their field; and

WHEREAS, Mr. Kvetko consistently performed his duties and responsibilities in a professional manner and placed the welfare and safety of citizens and fellow county employees above his own personal comfort and feelings and will be missed by his fellow co-workers and customers.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 13th day of December 2006, publicly recognizes Mr. James G. Kvetko and extends appreciation for his twenty-nine years of dedicated service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Kvetko and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

Mrs. Humphrey presented the executed resolution and a Jefferson Cup to Mr. Kvetko, accompanied by Mr. Pitaro, expressed appreciation for his dedicated service and congratulated him on his retirement.

5.C. RECOGNIZING CHESTERFIELD COUNTY EMPLOYEES OF THE YEAR

Ms. Cole introduced the 2006 employees of the year, who were as follows:

<u>Name</u>	<u>Department</u>
Katherine Bernhard	Commonwealth Attorney
Janice Blakley	County Administration
Michelle Blanks	Juvenile Probation
Robert Brandt	Sheriff's Office
Judy Burnett	Purchasing Department
Kristin Carlson	Library
Kim Chewning-McCarthy	Youth Group Home
Pamela Cimburke	Emergency Communications
Faith Davis	Risk Management
Lisa Duffy	Juvenile Probation
Frank Dunbar	Planning Department
Susan Edwards	Cooperative Extension
Jim Einhaus	Chesterfield University
Joanie Ferron	Human Resource Management
Patricia Glazier	Youth Planning and Development
Pamela Goode	Mental Health/Mental Retardation/Substance Abuse Services
Cheryl Hayes	Fire and Emergency Medical Services
Mary Beth Henry	Public Affairs
Steven Jenkins	Utilities
Lynda Kyle	Registrar
Faye Lewis	Environmental and Security Management
Rosa Martinez (Note: Could not attend the meeting due to illness)	Health Department
Beverly Minetree	County Attorney's Office
Latanya Mobley	Community Corrections Services
Rebecca Parker	Parks and Recreation
Janice Parks	General Services
Kevin Payne	Accounting

Robin Salo	Budget and Management
Binford Sloan	Environmental Engineering
Kim Taylor	Internal Audit
Clay Walden	Real Estate Assessments
Brittiany Wynne	Treasurer's Office
Master Officer Mark Younce	Police Department
David Zimmerman	Information Systems Technology

Mr. King presented the employees of the year with plaques recognizing them as their department's employee of the year, expressed appreciation, on behalf of the Board and citizens, for their dedicated service, and commended them on their outstanding accomplishments.

Mr. Ramsey congratulated each of the employees of the year and expressed appreciation for their commitment to Chesterfield County.

Mr. King requested a five-minute recess.

Reconvening:

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

O ADOPTION OF MAXIMUM CASH PROFFER FOR FISCAL YEAR 2007

Mr. Carmody stated, at its August 23, 2006 meeting, the Board deferred action to adopt a maximum cash proffer amount for FY2007 until this date, following the Transportation Summit. He noted the current cash proffer is \$15,600.

Mr. King made a motion, seconded by Mr. Sowder, for the Board to adopt the FY2007 maximum cash proffer at the current rate of \$15,600 per dwelling unit.

Mr. King expressed concerns that building permits in the county decreased 39 percent between November 2005 and November 2006. He challenged the Homebuilders Association of Richmond and the development community to express to the state legislative delegation the significance of what Chesterfield County is trying to accomplish to address its infrastructure needs.

Mr. King called for a vote on his motion, seconded by Mr. Sowder, for the Board to adopt the FY2007 maximum cash proffer at the current rate of \$15,600 per dwelling unit.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8. NEW BUSINESS

8.A. STREETLIGHT INSTALLATION COST APPROVALS

Mr. King suggested a deferral of the Clover Hill streetlight request in Mr. Warren's absence.

Mr. Sowder stated the existing streetlight at the intersection of Brown Road and Spring Meadow Road is in working order, and there are a number of qualifying intersections that have no streetlights at all. He recommended that the Board deny this streetlight request, with the understanding that if money is left over at the end of the fiscal year, the request can be reconsidered.

Mr. Sowder then made a motion, seconded by Mrs. Humphrey, for the Board defer the following streetlight request until January 10, 2007:

Clover Hill District

- In the Southport Business Park, on Research Road, in the vicinity of 720, on the existing pole
Cost to install streetlight: \$210.39

And, further, the Board denied the following streetlight request:

Midlothian District

- In the Spring Grove Subdivision, at the intersection of Brown Road and Spring Meadow Road
Cost to install streetlight: \$2,187.85

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Chesterfield Community Services Board, Appomattox River Water Authority Board, Arts and Cultural Funding Consortium, Central Virginia Waste Management Authority, Personnel Appeals Board, Disability Services Board, Agriculture and Forestry Committee, and the Community Policy and Management Team.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B.1. CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Angel Torres, representing the Midlothian District, and Ms. Robin Wintzer,

representing the Bermuda District, to serve on the Chesterfield Community Services Board, whose term is effective January 1, 2007 through December 31, 2009.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B.2. APPOMATTOX RIVER WATER AUTHORITY BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Lane Ramsey and Mr. Roy Covington to serve on the Appomattox River Water Authority Board, whose terms are effective January 1, 2007 and expire December 31, 2007.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B.3. ARTS AND CULTURAL FUNDING CONSORTIUM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Ms. Beverly Perdue Jennings, representing the county at-large, to serve on the Arts and Cultural Funding Consortium, whose term is effective January 1, 2007 and expires December 31, 2008.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B.4. CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Ms. Marcia Phillips, representing the county at-large, and Mr. Charles Dane (alternate member) to serve on the Central Virginia Waste Management Authority, whose terms are effective January 1, 2007 and expire December 31, 2008.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B.5. PERSONNEL APPEALS BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/appointed Ms. Debra Girvin to serve on the Personnel Appeals Board, whose term is effective January 1, 2007 and expires December 31, 2009.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.B.6. DISABILITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Dr. Clarence Martin and Ms. Alice Magee to serve on the Disability Services Board, whose terms are effective January 1, 2007 and expire December 31, 2009.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.B.7. AGRICULTURE AND FORESTRY COMMITTEE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/appointed the following members to serve on the Agricultural and Forestry Committee, whose terms are effective January 1, 2007 and expire December 31, 2008:

<u>Name</u>	<u>Representing</u>
Mr. Rudy Horak	Bermuda District
Mr. Howard Nester	Dale District
Mr. T. D. Watkins, III	Midlothian District
Mr. Steve Lindberg	At-large representative of the forestry business
Mr. Stuart Jones	At-large representative of the agriculture business
Mr. Bruce Moseley	Matoaca District
Mr. Donnie Woodcock	Clover Hill District

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.B.8. COMMUNITY POLICY AND MANAGEMENT TEAM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Ernest Johnson to serve on the Community and Policy Management Team, whose term is effective January 1, 2007 and expires December 31, 2008.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.C. CONSENT ITEMS

On motion of Mr. King, seconded by Mr. Sowder, the Board removed the following items from the Consent Agenda for public comment: Item 8.C.3., Establishment of Chesterfield County Sustain Our Communities Committee; Item 8.C.17., Award of Contract for Construction of Courtroom and Judge's Chamber Number 6 in the Juvenile and Domestic Relations Courthouse to Parrish Construction Services, Incorporated; and Item 8.C.18., Award of Contract for Construction of the Meadowdale Branch Library to Z-Corp.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING MRS. MARGARET H. RICKARD, CIRCUIT COURT CLERK'S OFFICE, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mrs. Margaret H. Rickard will retire as a Deputy Clerk on January 1, 2007 after providing almost 24 years of dedicated and faithful service to Chesterfield County and its Circuit Court Clerk's Office; and

WHEREAS, Mrs. Rickard began her career as a Deputy Clerk in January of 1983 and throughout her employment served in the Deed Recording Division of the Circuit Court Clerk's Office; and

WHEREAS, Mrs. Rickard saw many changes in her 24 years in the Circuit Court Clerk's Office, including the growth of Chesterfield County and its land records operations, which processed approximately 28,000 land records in 1983 and approximately 95,000 in Fiscal Year 2006; and

WHEREAS, Mrs. Rickard assisted the office in its transition from using manual indexes and receipts to its use of state-of-the-art technology; and

WHEREAS, Mrs. Rickard served as a backup supervisor in the absence of the Deed Recording Supervisor and as such served as a valuable resource to staff and citizens alike; and

WHEREAS, Mrs. Rickard provided a high level of customer service when working with law firms, title companies and the general public, looking for better ways to serve them, often going out of her way to meet a need and exceeding customer expectations throughout her career; and

WHEREAS, Mrs. Rickard has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Mrs. Rickard demonstrated teamwork by her willingness to assist others and her willingness to work overtime to keep workloads under control; and

WHEREAS, Mrs. Rickard has a vast wealth of knowledge and her memory of past events is a valuable resource that will be greatly missed; and

WHEREAS, Mrs. Rickard has demonstrated her loyalty to Chesterfield County through her dedication and conscientiousness.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mrs. Margaret H. Rickard and extends its appreciation for almost 24 years of dedicated service to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

**8.C.1.b. RECOGNIZING MR. DENNY HAMLIN FOR HIS OUTSTANDING
ROOKIE SEASON AND HIS EXCELLENT REPRESENTATION OF
CHESTERFIELD COUNTY**

Mrs. Humphrey stated she is interested in naming a road or something in the county after Mr. Hamlin and will be looking for this opportunity over the next year.

Mr. Ramsey stated Mr. Hamlin wants to present to the Police Department the post that was cut from his car bearing the name of Officer Gary Buro, who was killed in the line of duty.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mr. Denny Hamlin is a well-known NASCAR race car driver who calls Chesterfield County home and who graduated from Manchester High School; and

WHEREAS, Mr. Hamlin's racing career began at age 7 and has included victories and/or track championships at Amelia Motor Raceway, Southside Speedway and other tracks, as well as rookie-of-the-year and most popular driver honors; and

WHEREAS, in 2004, Mr. Hamlin broke the qualifying track record at Greenville Pickens, won races at four different tracks, and finished eighth in his first NASCAR Busch Series event at Darlington Raceway; and

WHEREAS, between 2002 and 2004, Mr. Hamlin won nearly 50 short-track races; and

WHEREAS, in 2005, Mr. Hamlin drove for Joe Gibbs Racing in both NASCAR Busch Series and Nextel Cup competition, finishing fifth in season Busch Series points; and

WHEREAS, in 2006, Mr. Hamlin captured his first Nextel Cup victory on June 11th at the Pocono 500 (having previously won the Budweiser Shootout nonpoints race on February 12); and

WHEREAS, Mr. Hamlin went on to win the Pennsylvania 500 on July 23, 2006, and also earned six top-five and 11 top-10 Nextel Cup finishes; and

WHEREAS, Mr. Hamlin was among the top-10 drivers in Nextel Cup points with 10 races remaining in the season, qualifying him to compete in the Chase for the Nextel Cup points championship; and

WHEREAS, Mr. Hamlin finished third in the Nextel Cup points championship, making him the highest finishing rookie in NASCAR's modern era and earning him the title, 2006 Nextel Cup Rookie of the Year; and

WHEREAS, upon learning of the shooting death of Chesterfield County Police Officer Gary J. Buro and wounding of Officer Joseph Diman on May 4, 2006, Mr. Hamlin displayed images of the Chesterfield County Police Department shoulder

patch and names of both officers on his No. 11 Monte Carlo SS race car; and

WHEREAS, Chesterfield County, Virginia, is proud of Mr. Denny Hamlin, his racing talent, his kindness and respect for officers Buro and Diman and their families, and for the outstanding, positive way in which his skills and sportsmanship reflect favorably on Chesterfield County and the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby recognizes Mr. Denny Hamlin for his racing skills, equally winning personality, and civic-minded spirit and values, and thanks him, on behalf of the families of officers Buro and Diman, for honoring those fine officers in such a public manner; and on behalf of all Chesterfield County residents, extends best wishes to Mr. Hamlin for many more checkered flags in his racing career.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

**8.C.1.c. SUPPORTING ENACTMENT OF THE NATIONAL LIBERTY
MEMORIAL ACT AND ESTABLISHMENT OF THE NATIONAL
LIBERTY MEMORIAL**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, legislation is pending in the U.S. Congress to establish the National Liberty Memorial on the Mall in Washington, D.C., to African Americans of the Revolutionary War era with funds donated by citizens of the United States and nations around the world who are inspired by their struggle for liberty; and

WHEREAS, from 1775 to 1783, over 5,000 slaves and free persons, including 500 Virginians, advanced independence and universal liberty by serving as soldiers and sailors in the Continental Army and local militias while countless others performed patriotic acts as civilians; and

WHEREAS, from as early as 1848, when historian William C. Nell and others petitioned the Massachusetts legislature for a memorial to Crispus Atticus, and 1908, when Virginians Giles B. Jackson and Webster Davis observed, 'Monuments innumerable have been erected to white soldiers who fought in the Revolution. Only a few kind words have been said for the colored soldiers,' there has been a consciousness over 158 years that those patriots deserve a national memorial; and

WHEREAS, finally, between 1984 and 1988, Congress approved Public Law 98-245 honoring the role of the black soldiers, patriots, runaway slaves and freedom petitioners and authorized a black patriots memorial on the Mall with the enactment of Public Laws 99-558 and 100-265; and

WHEREAS, the fact that the previously-authorized organization, now defunct, failed to build the memorial by the deadline, October 27, 2005, does not detract from the worthiness of the history, the monumental dream or the

scholarship, including scores of books written in just the past decade and the documentation of over 2,000 black soldiers in 2001; and

WHEREAS, the Chesterfield County Board of Supervisors congratulates the foresight of the National Capital Memorial Advisory Commission on June 27, 2006, in recommending that National Mall Liberty Fund D.C. be authorized to preserve the site on the Mall at Constitution Gardens between the Lincoln Memorial and the Washington Monument.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 13th day of December 2006, joins the Virginia Association of Counties, the National Mall Liberty Fund D.C., the Congressional sponsors of the National Liberty Memorial Act, including Senator Chris Dodd of Connecticut and Senator George Allen of Virginia, and other Virginia Counties and advocates in urging Americans of all backgrounds to work for the enactment of the legislation and the establishment of the memorial.

AND, BE IT FURTHER RESOLVED that the Board of Supervisors urges Governor Timothy M. Kaine, Senators John W. Warner and George Allen, Representatives Jo Ann Davis, Thelma Drake, Robert C. Scott, J. Randy Forbes, Virgil H. Goode, Jr., Bob Goodlatte, Eric Cantor, Jim Moran, Rick Boucher, Frank Wolf, and Tom Davis to work with citizens of the Commonwealth of Virginia to lead, coordinate, and otherwise advance efforts in Virginia to urge the U.S. Congress to approve the National Liberty Memorial Act, support the public education campaign, renew the support of local and national organizations, and ensure that sufficient resources are secured to dedicate the memorial by July 4, 2010.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.1.d. COMMENDING JOHN AND REVE WALSH'S COMMITMENT TO THE SAFETY OF CHILDREN AND THEIR EFFORTS IN THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Adam Walsh, six-year-old son of John and Reve Walsh was abducted and murdered on July 27, 1981, in Hollywood, Florida; and

WHEREAS, since the abduction of their son, Mr. and Mrs. Walsh have tirelessly dedicated themselves to protecting children from child predators, preventing attacks on our children, and bringing child predators to justice; and

WHEREAS, their commitment and creation of the Center for Missing and Exploited Children has saved the lives of numerous children; and

WHEREAS, as a result of their efforts and progress made, The Adam Walsh Child Protection and Safety Act, H.R. 4472 was signed into law by President George W. Bush on July 27, 2006; and

WHEREAS, this legislation will ensure that sex offenders register, and agree to keep current, where they reside, work, and attend school; will create the Dru Sjodin National Sex Offender Public Website to search for sex offenders' information in each community, require states to notify each other when sex offenders move from one state to another, and increase law enforcement's ability to combat child pornography by ensuring that law enforcement has access to the same information across the United States; and will increase penalties for using the Internet for sexual exploitation of children.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 13th day of December 2006, does hereby commend and thank John and Reve Walsh for using their own personal tragedy for the betterment of the children in our community, in our state, and across the United States of America.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.1.e. RECOGNIZING MRS. KAY BOYKIN, DEPARTMENT OF SOCIAL SERVICES, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mrs. Kay Boykin began her public service with Chesterfield County as a part-time Clerk Typist in January 1978; and

WHEREAS, Mrs. Boykin was hired as a full-time Clerk Typist in September 1981 and subsequently was promoted to Principal Clerical Aide in May 1986; and

WHEREAS, Mrs. Boykin has had various job titles over the years as a Senior Office Assistant, Secretary, and currently an Administrative Secretary; and

WHEREAS, Mrs. Boykin has over the years supported or participated on various teams, such as the Food Stamp team, the Employment Services team, the Foster Care team, the Child Protective Services team, the Customer Service team, the Services Division, and the Benefit Programs Division; and

WHEREAS, Mrs. Boykin served on agency Goal Groups, assisting in developing the agency's letterhead, agency brochure, and agency hiring manual; and

WHEREAS, Mrs. Boykin served on several agency committees, including the Communication Committee and the United Way Kick-Off Committee for two years; and

WHEREAS, Mrs. Boykin has worked on many agency special projects and events, including the agency holiday events, the visit by the Russian delegation, development of the agency flex policy, the agency newsletter, and development of the Employee of the Year guidelines; and

WHEREAS, Mrs. Boykin assisted the Child Abuse Multi-Disciplinary Team in organizing and securing accommodations for special events, training, fund raisers, and producing the Annual Report; and

WHEREAS, Mrs. Boykin was given the responsibility for maintaining the agency carpool from 1995 to 2005, which she did with patience and humor; and

WHEREAS, Mrs. Boykin has performed many "other duties as assigned" for the Director and the Assistant Directors; and

WHEREAS, Mrs. Boykin has performed her job duties with professionalism, grace and dedication over the years; and

WHEREAS, Mrs. Boykin is known for her compassion and empathy for her co-workers and the citizens of Chesterfield County and the City of Colonial Heights.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Kay Boykin, expresses the appreciation of all residents for her service to the county, and extends congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.1.f. RECOGNIZING MRS. WANDA YEATTS, PARKS AND RECREATION DEPARTMENT, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mrs. Wanda Yeatts will retire on January 1, 2007, from the Chesterfield County Department of Parks and Recreation; and

WHEREAS, Mrs. Yeatts began her public service with Chesterfield County as a principal account clerk in 1984 in the Parks and Recreation Department and continued to faithfully work in that capacity until she became full time in 1986 as a principal account clerk; and

WHEREAS, Mrs. Yeatts has provided excellent customer service and integrity in maintaining the financial activities associated with program/class registration for Chesterfield County; and

WHEREAS, Mrs. Yeatts has been an invaluable asset to the Parks and Recreation Department for the past twenty-two and one-half years; and

WHEREAS, Mrs. Yeatts has been responsible for and instrumental in providing registrations for the departments programs and classes; and

WHEREAS, Mrs. Yeatts has been a dedicated, productive and dependable employee in her duties as principal account clerk; and

WHEREAS, Mrs. Yeatts' attention to detail has proven invaluable in providing correct data and process information to both internal and external customers; and

WHEREAS, Mrs. Yeatts' excellent work ethic and customer service initiatives have facilitated the availability of financial services to off-site districts within Parks and Recreation; and

WHEREAS, Mrs. Yeatts' generosity and organization skills inspired the efforts of co-workers to join with her church to collect the much needed supplies for Hurricane Katrina victims; and

WHEREAS, Mrs. Yeatts will be greatly missed by her co-workers, supervisors and the citizens of Chesterfield County whom she has served.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Wanda Yeatts, expresses the appreciation of all residents for her twenty-two and one-half years of service to Chesterfield County and extends appreciation for her dedicated service to the county and congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.2. SET DATE FOR PUBLIC HEARINGS

8.C.2.a. TO CONSIDER AN ORDINANCE CHANGING THE POLLING PLACE FOR BEAUFONT VOTING PRECINCT IN MIDLOTHIAN DISTRICT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of January 10, 2007 at 7:00 p.m. for a public hearing for the Board to consider an ordinance changing the polling place for Beaufont Voting Precinct in Midlothian District.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.2.b. TO CONSIDER AN AMENDMENT TO SECTION 19-637 OF THE CODE OF THE COUNTY OF CHESTERFIELD RELATING TO LIMITATIONS ON SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of January 10, 2007 at 7:00 p.m. for a public hearing for the Board to consider an amendment to Section 19-637 of the County Code relating to limitations on signs in residential and agricultural districts.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

**8.C.2.c. TO CONSIDER CONVEYANCE OF A 3.25-ACRE PARCEL
LOCATED ON REYCAN ROAD IN THE CHESTERFIELD COUNTY
INDUSTRIAL AIRPARK TO COURTHOUSE 3, LLC AND
AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE
CONTRACT DOCUMENTS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of January 10, 2007 at 7:00 p.m. for a public hearing for the Board to consider conveyance of a 3.25-acre parcel located on Reykan Road in the Chesterfield County Industrial Airpark to Courthouse 3, LLC and to authorize the County Administrator to execute the contract documents.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

**8.C.2.d. TO CONSIDER THE APPROPRIATION OF FUNDS FOR SITE
IMPROVEMENTS FOR A NEW ACADEMIC BUILDING AT JOHN
TYLER COMMUNITY COLLEGE - MIDLOTHIAN CAMPUS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of January 10, 2007 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of \$1.2 million to John Tyler Community College to provide site improvements for a new academic building to be constructed at the Midlothian Campus.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

**8.C.4. AWARD OF CONTRACT TO F.T. EVANS, INCORPORATED FOR
SITE IMPROVEMENTS AT MATOACA PARK**

Mrs. Humphrey thanked staff for moving ahead on Matoaca Park.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded a contract, in an amount up to \$536,400, to F. T. Evans, Incorporated for the Matoaca Park football field area expansion, parking and road construction improvements and transferred \$84,000 in available park improvement bond funds designated for Matoaca Park.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

**8.C.5. APPROVAL OF WATER CONTRACT FOR HARPERS MILL
SUBDIVISION, OTTERDALE ROAD PLAN PHASE 1**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following water contract for Harpers Mill Subdivision - Otterdale Road Plan Phase 1, Contract Number 05-0348:

Developer: Oakbridge Corporation
Contractor: Piedmont Construction
Contract Amount:

Estimated County Cost for Oversizing \$52,211.00
Estimated Developer Cost \$209,789.00
Estimated Total. \$262,000.00
Code: (Refunds thru Connections - Oversizing) 5B-572VO-E4C
District: Mataoca

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.C.6. APPROVAL OF UTILITY CONTRACT FOR STONEY GLEN SOUTH, SECTION 9

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following utility contract for Stoney Glen South, Section 9, Contract Number 05-0422:

Developer: Reeds Landing Corporation
Contractor: R.M.C. Contractors, Inc.
Contract Amount:
Estimated County Cost for Oversizing \$44,335.00
Estimated Developer Cost \$244,255.00
Estimated Total. \$288,590.00
Code: (Refunds thru Connections - Oversizing) 5B-572VO-E4C
District: Bermuda

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.C.7. REQUEST TO QUITCLAIM A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF BON SECOURS-SAINT FRANCIS MEDICAL CENTER, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of Bon Secours-Saint Francis Medical Center, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.C.8. ACCEPTANCE OF PARCELS OF LAND

8.C.8.a. ADJACENT TO SOUTH CHALKLEY ROAD FROM CENTEX HOMES

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of three parcels of land containing a total of 1.54 acres adjacent to South Chalkley Road from Centex Homes, and authorized the County Administrator to

execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.8.b. ALONG THE EAST RIGHT OF WAY LINE OF IRONBRIDGE ROAD FROM MICHAEL B. CHANEY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of four parcels of land containing a total of 0.300 acres along the east right of way line of Ironbridge Road (State Route 10) from Michael B. Chaney, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.8.c. FOR JON JON COURT AND BRACKEN'S COURT FROM MARY W. COLE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.645 acres for Jon Jon Court and Bracken's Court from Mary W. Cole, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.8.d. ALONG THE EAST RIGHT OF WAY LINE OF IRONBRIDGE ROAD FROM SHERRY C. GILLIAM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.067 acres along the east right of way line of Ironbridge Road (State Route 10) from Sherry C. Gilliam, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.8.e. ALONG THE SOUTH RIGHT OF WAY LINE OF IRONBRIDGE ROAD FROM IRONBRIDGE ROAD PROPERTIES, LLC

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of two parcels of land containing 0.088 acres along the south right of way line of Ironbridge Road (State Route 10) from Ironbridge Road Properties, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of

this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

**8.C.8.f. ALONG THE EAST RIGHT OF WAY LINE OF WALTON PARK
LANE FROM RAILY HILL ASSOCIATES, L.L.C.**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.058 acres along the east right of way line of Walton Park Lane (State Route 10) from Railey Hill Associates, L.L.C., and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

**8.C.8.g. ALONG THE NORTH RIGHT OF WAY LINE OF RAMBLEWOOD
DRIVE FROM DAVID F. AND DEBORAH D. SAUER**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of two parcels of land containing a total of 0.19 acres along the north right of way line of Ramblewood Drive from David F. and Deborah D. Sauer, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

**8.C.8.h. FOR PROPOSED WOOLRIDGE ROAD AND SIMONSBATH DRIVE
FROM DOUGLAS R. AND SUSAN S. SOWERS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of two parcels of land containing a total of 5.835 acres for proposed Woolridge Road and Simonsbath Drive from Douglas R. and Susan S. Sowers, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.C.9. REQUESTS FOR PERMISSION

**8.C.9.a. FROM ALYSON D. CRANEY FOR AN EXISTING FENCE TO
ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT
18, GILLS GATE**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Alyson D. Craney for permission for

an existing fence to encroach within an eight-foot easement across Lot 18, Gills Gate, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.9.b. FROM MADELINE L. GREEN AND R. KENNETH DIGGS FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT AND A FIVE-FOOT EASEMENT ACROSS LOT 14, ASHLEY FOREST, SECTION C

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Madeline L. Green and R. Kenneth Diggs for permission for a proposed fence to encroach four feet into a 16-foot drainage easement and a five-foot easement across Lot 14, Ashley Forest, Section C, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.9.c. FROM CLARENCE E. AND MARIE A. WILBORN FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT AND A TWENTY-FOOT DRAINAGE EASEMENT ACROSS LOT 57, HARTLEY VILLAGE AT CHARTER COLONY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Clarence E. Wilborn and Maris A. Wilborn for permission for a proposed fence to encroach four feet into a 16-foot drainage easement and a 20-foot drainage easement across Lot 57, Tanner Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.9.d. FROM JONPAUSUSDIA WOODLAKE LLC TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON GENITO ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Jonpaususdia Woodlake LLC for permission to install a private water service within a private easement to serve property at 13635 Genito Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

**8.C.10. REQUEST TO VACATE AND REDEDICATE A SIXTEEN-FOOT
SEWER EASEMENT ACROSS THE PROPERTIES OF KINSTON
IOTC, LLC AND RITE AID OF VIRGINIA, INCORPORATED**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an agreement to vacate and rededicate a 16-foot sewer easement across the properties of Kinston IOTC, LLC and Rite Aid of Virginia, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.11. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

**8.C.11.b. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE
POLICE DEPARTMENT FOR TRAFFIC CONTROL DURING THE
CHESTER KIWANIS CLUB'S CHRISTMAS PARADE**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$1,000 from the Bermuda District Improvement Fund to the Police Department for traffic control during the Chester Kiwanis Club's Christmas Parade.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

**8.C.12. AWARD OF CONSTRUCTION CONTRACT FOR THE HVAC UPGRADE
FOR THE CONTROL BUILDING AT PROCTORS CREEK
WASTEWATER PLANT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded the replacement and upgrade of the HVAC system for the Control Building at Proctors Creek Wastewater Plant to R. S. Harritan and Company, Incorporated, in the amount of \$437,898; authorized the appropriation of \$150,000 from the wastewater fund balance; and authorized the County Administrator to execute the necessary documents.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.13. APPROPRIATION OF FUNDS FOR 2007 COMMEMORATION EVENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board appropriated an additional \$120,000 from excess transient occupancy revenues returned to the county by the convention center for 2007 Commemoration events.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.14. APPROVAL OF FY2007 SCHOOL BOARD GRANT REVISIONS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board decreased the FY2007 School Grants Fund instruction appropriation category by \$184,074 consistent with the changes reflected in the papers of this Board.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.15. APPROVAL OF FY2007 SCHOOL OPERATING FUND REVISIONS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board revised appropriations within several categories in the FY2007 School Operating Fund as follows: increase Administration/Attendance and Health by \$83,350; increase Operations and Maintenance by \$411,700; increase instruction by \$298,990; and decrease Debt Service by \$794,040.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.16. APPROPRIATION OF ROAD CASH PROFFER FUNDS FOR THE DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION OF THE NORTH IVEY MILL ROAD AT RIVER ROAD SIGHT DISTANCE IMPROVEMENT PROJECT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board appropriated \$372,000 in road cash proffers from Traffic Shed 16 for the North Ivey Mill Road at River Road Sight Distance Improvement Project; authorized staff to proceed with design, right-of-way acquisition, environmental permits and construction of the project; and authorized staff to proceed with the right-of-way acquisition, including advertisement of an eminent domain public hearing if necessary.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

The following item was removed from the Consent Agenda for Board discussion:

8.C.11.a. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE AND INSTALL A LED SIGN AT MIDLOTHIAN HIGH SCHOOL

Mr. Sowder stated he wants to approve this request, with a contingency that the Midlothian High School PTSA raise a minimum of one-third of the cost of purchasing and installing the sign prior to transfer of funds.

On motion of Mr. Sowder, seconded by Mr. King, the Board approved the transfer of \$5,000 from the Midlothian District Improvement Fund to the School Board to purchase and install a LED sign at Midlothian High School, contingent upon the

Midlothian High School PTSA raising a minimum of \$7,000 for the sign prior to transfer of the district improvement funds.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

The following items were removed from the Consent Agenda for public comment:

8.C.3. ESTABLISHMENT OF CHESTERFIELD COUNTY SUSTAIN OUR COMMUNITIES COMMITTEE

Mr. George Beadles stated he hopes the committee will have less representation from civic and homeowner associations and more representation from individual citizens.

No one else came forward to speak to this issue.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board established the Chesterfield County Sustain Our Communities Committee.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.17. AWARD OF CONTRACT FOR CONSTRUCTION OF COURTROOM AND JUDGE'S CHAMBER NUMBER 6 IN THE JUVENILE AND DOMESTIC RELATIONS COURTHOUSE TO PARRISH CONSTRUCTION SERVICES, INCORPORATED

Mr. George Beadles stated this is an acceptable item to add on to the Board's Consent Agenda.

No one else came forward to speak to this issue.

On motion of Mr. Sowder, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute a contract with Parrish Construction Services, Incorporated, in the amount of \$477,676, for construction of courtroom and judge's chamber number 6 in the Juvenile and Domestic Relations Courthouse.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

8.C.18. AWARD OF CONTRACT FOR CONSTRUCTION OF THE MEADOWDALE BRANCH LIBRARY TO Z-CORP

Mr. George Beadles stated he feels it is appropriate to add this item to the Consent Agenda.

No one else came forward to speak to this issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Administrator to execute a contract, subject to favorable reference checks, with Z-Corp of

Norfolk, Virginia, in the amount of \$5,293,439 for the construction of the Meadowdale Library.

And, further, the Board authorized the transfer of \$300,000 from the Reserve for Future Capital Projects to the Meadowdale Library Project Account.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

8.B.9. APPOINTMENTS TO SUSTAIN OUR COMMUNITIES COMMITTEE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of members to serve on the Sustain Our Communities Committee.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

On motion of Ms. Humphrey, seconded by Mr. King, the Board simultaneously nominated/appointed the following members to serve on the newly created Sustain Our Communities Committee, whose terms are effective January 1, 2007 and expire on December 31st of the last year of their term:

<u>Name</u>	<u>Affiliation</u>	<u>Term</u>
Cliff Bickford	Chesterfield Business Council	4 years
Bob Schrum	Chesterfield Chamber of Commerce	2 years
Steve Brincefield	Senior Vice President, Thalhimer	4 years
Jane Pritz	Brandermill Community Manager (Clover Hill)	2 years
William Swift	President, Community Partners	4 years
Bill Gray	Shenandoah Neighborhood (Midlothian)	2 years
Glen Kemp	Salem Woods Neighborhood (Dale)	4 years
Cheryl Landes	Harrowgate Road Area (Matoaca)	2 years
Gib Sloan	Wider Enon Area (Bermuda)	4 years
Ben Thorp	Meadowbrook Neighborhood (Dale)	2 years
Rick Young	Jefferson Davis Association	4 years

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

9. REPORTS

- 9.A. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES**
- 9.B. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS**
- 9.C. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATION FOR T-MOBILE NORTHEAST LLC: T-MOBILE-VEPCO 219/318-ALBERTA SMITH (CASE 07PD0195) TO CO-LOCATE AN ANTENNA ON A VIRGINIA POWER STRUCTURE**

**9.D. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD
DETERMINATION FOR CHESTERFIELD COUNTY PARKS AND
RECREATION: STRATTON PROPERTY PHASE II (CASE 07PD0209)
FOR EXPANSION OF PREVIOUSLY APPROVED PARK FACILITIES**

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board accepted the following reports: A report on the Status General Fund Balance, Reserve For Future Capital Projects, District Improvement Funds and Lease Purchases; a Report on Developer Water and Sewer Contracts; a Report of Planning Commission Substantial Accord Determination for T-Mobile Northeast LLC: T-Mobile-VEPCO 219/318-Alberta Smith (Case 07PD0195) to Co-Locate an Antenna on a Virginia Power Structure; and a Report of Planning Commission Substantial Accord Determination for Chesterfield County Parks and Recreation: Stratton Property Phase II (Case 07PD0209) for Expansion of Previously Approved Park Facilities.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

**10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED
MATTERS**

There were no requests from citizens to address the Board at this time.

**11. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7), CODE
OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH
LEGAL COUNSEL PERTAINING TO PROBABLE LITIGATION
INVOLVING A CHESTERFIELD COUNTY POLICE OFFICER; AND
SECTION 2.2-3711(A)(1), CODE OF VIRGINIA, 1950, AS
AMENDED, RELATING TO THE PERFORMANCE OF A SPECIFIC
EMPLOYEE OF THE COUNTY**

Mr. Ramsey stated staff is asking the Board to defer the Closed Session pertaining to consultation with legal counsel pertaining to probable litigation involving a Chesterfield County police officer until January 10, 2007.

On motion of Mr. King, seconded by Mr. Sowder, the Board went into Closed Session pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended, relating to the performance of a specific employee of the county; and deferred the Closed Session pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation with legal counsel pertaining to probable litigation involving a Chesterfield County police officer until January 10, 2007.

Ayes: King, Humphrey and Sowder.

Nays: None.

Absent: Miller and Warren.

Reconvening:

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Sowder: Aye.
Mrs. Humphrey: Aye.
Mr. King: Aye.
Mr. Miller: Absent.
Mr. Warren: Absent.

12. DINNER

On motion of Mr. King, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: King, Humphrey and Sowder.
Nays: None.
Absent: Miller and Warren.

Reconvening:

Mr. Miller and Mr. Warren arrived at the meeting.

13. INVOCATION

Reverend James Boswell, Pastor of Iglesia Bautista Misionera, gave the invocation.

14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Colonel Fran Pitaro, United States Army, Retired led the Pledge of Allegiance to the flag of the United States of America.

15. RESOLUTIONS

O RECOGNIZING MR. ALBERT WAYNE COLEY, SR. FOR HIS DEDICATED SERVICE TO HIS COUNTRY AND COMMUNITY

Mr. Kappel introduced Mr. Albert Coley, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Albert Wayne Coley, Sr. is a resident of the Midlothian District; and

WHEREAS, Mr. Coley has resided in Chesterfield County for 26 years; and

WHEREAS, Mr. Coley served on the James River High School PTA Board for two years; and

WHEREAS, Mr. Coley is a longtime member of the Bon Air Baptist Church; and

WHEREAS, Mr. Coley has served as a deacon, taught Sunday School for 15 years and was active in other church activities, including with the Royal Ambassadors; and

WHEREAS, Mr. Coley was a clerical employee of the F.B.I. for five years following his graduation from high school; and

WHEREAS, Mr. Coley is a graduate of the University of Richmond and Southeastern Baptist Theological Seminary; and

WHEREAS, Mr. Coley is an ordained minister; and

WHEREAS, Mr. Coley worked for the Virginia Baptist Mission Board until retiring in 2002, serving in various capacities including Preschool Consultant, Preschool and Special Education Consultant, Royal Ambassadors Director, Special Education and Day Care Consultant, Director of Camp Piankatank, and Coordinator of the Special Education Retreat at Eagle Eyrie; and

WHEREAS, Mr. Coley served from February 2003-October 2006 as Assistant Director for the Partnerships with Developmental Disabilities Ministry of the Virginia Baptist Children's Home and Family Services; and

WHEREAS, Mr. Coley retired on October 31, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 13th day of December 2006, publicly recognizes Mr. Albert Wayne Coley, Sr. for his dedicated service to his country and to his community, for his many contributions to the betterment of Chesterfield County, to its young people, people with special needs, and others, and extends to him sincerest appreciation, on behalf of all Chesterfield County residents, for being a model citizen that Chesterfield County is proud to call its own.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

Mr. Sowder presented the executed resolution to Mr. Coley, accompanied by family and friends, and expressed appreciation for his many contributions to the community.

Mr. King stated it was an honor to attend Mr. Coley's retirement party.

Mr. Coley expressed appreciation to the Board for the recognition.

**16. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

07SN0146

In Midlothian Magisterial District, WINTERVEST, LLC requests amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to residential density, site design, building height and uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial, planned transition and village fringe use. This request lies in a Community Business (C-3) District on 33.9 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 970 feet on the west line of Winterfield Road approximately 370 feet north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 and 7635.

Mr. Turner stated the applicant has requested that Case 07SN0146 be remanded to the Planning Commission.

Mr. John Easter, representing the applicant, requested that Case 07SN0146 be remanded to the Planning Commission.

Mr. King called for public comment.

Mr. Peppy Jones, representing the Midlothian Village Volunteer Coalition, stated he supports the remand request.

There being no one else to speak to the remand request, the public hearing was closed.

On motion of Mr. Sowder, seconded by Mrs. Humphrey, the Board remanded Case 07SN0146 to the Planning Commission.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

06SN0234

In Matoaca Magisterial District, ROBERT SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use

Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Turner stated Mrs. Humphrey has requested that Case 06SN0234 be remanded to the Planning Commission.

Mr. Jim Theobald, representing the applicant, stated he concurs with remanding the case to the Planning Commission.

Mr. King called for public comment.

No one came forward to speak to the remand request.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board remanded Case 06SN0234 to the Planning Commission.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

06SN0327 (Amended)

In Dale Magisterial District, DEAN E. HAWKINS, ASLA requests rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5) with Conditional Use to allow outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 8.6 acres lying approximately 400 feet off the east line of Iron Bridge Road approximately 830 feet south of Kingsland Road. Tax IDs 772-673-Part of 3836 and Part of 9738.

Mr. Turner stated Mr. Miller has requested that Case 06SN0327 be deferred until January 24, 2007.

Mr. Dean Hawkins stated the deferral is acceptable.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred Case 06SN0327 until January 24, 2007.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

06SN0330

In Dale Magisterial District, JHM, LLC AND CYNTHIA W. AND STEVE W. BRICKELL request amendments to rezoning (Cases 74S042, 75S045 and 78S005) to delete certain buffer requirements on 4.3 acres zoned General Business (C-5) and rezoning and amendment of zoning district map from

Residential (R-7) and Community Business (C-3) to General Business (C-5) of 1.0 acre. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 5.3 acres fronting approximately 130 feet on the north line of Canasta Drive, also fronting approximately 470 feet on the west line of Iron Bridge Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 773-680-6620, 7615, 8039 and 8757.

Mr. Turner stated Mr. Miller has requested a deferral of Case 06SN0330 until January 24, 2007.

Mr. Jeff Collins, representing the applicant, stated the deferral is acceptable.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Warren, the Board deferred Case 06SN0330 until January 24, 2007.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

07SN0166

In Dale Magisterial District, G & E ENTERPRISES requests rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Corporate Office (O-2) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and residential use of various densities. This request lies on .6 acre lying approximately twenty (20) feet off the east line of Hopkins Road approximately 300 feet south of Meadowdale Boulevard. Tax ID 781-684-1434.

Mr. Turner stated Mr. Miller has requested a deferral until February 28, 2007.

Mr. William Shewmake, representing the applicant, stated the deferral is acceptable.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred Case 07SN0166 until February 28, 2007.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

06SN0323

In Dale Magisterial District, NEW CINGULAR WIRELESS PCS, LLC requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 0.4 acre lying approximately 1,060 feet off the south line of Courthouse Road approximately 1,500 feet east of Krause Road. Tax IDs 775-665-Part of 1730 and 777-665-Part of 1229.

Mr. Turner presented a summary of Case 06SN0323 and stated the Planning Commission and staff recommend approval, subject to conditions.

Mr. Brennen Keene, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved Case 06SN0323, subject to the following conditions:

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
3. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure. (P)
4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 160 feet. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

07SN0140 (Amended)

In Midlothian Magisterial District, GRCRE, LLC AND LATC, LLC request amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map relative to setbacks, uses and building height requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village square, village fringe area, planned transition area and passive recreation/conservation area uses. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on 61.3 acres fronting approximately 5,620 feet on the northwest line of North Woolridge Road east and west of Grove Hill Road; also fronting approximately 480 feet on the east line of Coalfield Road north of North Woolridge Road. Tax IDs 728-704-9939; 730-704-0475 and 6470; and 731-705-0120 and 2856.

Mr. Turner presented a summary of Case 07SN0140 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions.

Mr. John Easter, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

On motion of Mr. Sowder, seconded by Mr. Miller, the Board approved Case 07SN0140, subject to the following condition:

The Textual Statement, dated October 25, 2006, shall be considered the Master Plan. (P)

And, further, the Board accepted the following proffered condition:

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns (the "Applicant"), proffers that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect:

1. The Applicant, subdivider, or assignee(s) shall pay, prior to the issuance of each residential building permit, the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
 - a. If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit. At time of payment, \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads and \$404.00 for fire stations and \$5,331.00 for schools; or
 - b. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 5(a) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

07HP0165

In Bermuda Magisterial District, KATHERINE B. LIPSCOMB requests historic landmark designation and amendment of zoning district map for MISS MINOR'S FEMALE ACADEMY. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies in a Residential (R-7) District on 0.4 acre and is known as 4330 School Street. Tax ID 789-654-0405.

Mr. Turner presented a summary of Case 07HP0165 and stated the Historic Preservation Committee, the Planning Commission and staff recommended approval with one condition.

Ms. Katherine Lipscomb stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved historic landmark designation for Miss Minor's Female Academy, subject to the following condition:

This designation shall apply to the house and extending a distance of ten (10) feet from the house on each side of the house, and the garage, not to include the land underneath the garage. (p)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

07SN0175

In Clover Hill Magisterial District, DAVID GEE requests rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 4.6 acres fronting approximately 460 feet on the east line of South Old Hundred Road approximately 700 feet north of Brandermill Parkway. Tax ID 731-686-0664.

Mr. Turner presented a summary of Case 07SN0175 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Sam Ragsdale, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 07SN0175 and accepted the following proffered conditions:

1. Public water and wastewater systems shall be utilized.
 - a. The developer will be required to extend the existing eight (8) inch water line along South Old Hundred Road to the northwestern boundary of the property (Tax ID#: 731-686-0664). (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Chesterfield County Department of Environmental Engineering and the approved device installed. (EE)
3. No direct vehicular access shall be provided from the property to Old Hundred Road. (T)
4. Prior to any site plan approval or within sixty days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the east side of Old Hundred Road, measured from the centerline of that part of Old Hundred Road, immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

5. No building or structure on the property shall exceed two (2) stories in height. (BI & P)
6. No free standing light fixtures shall exceed twenty (20) feet in height. (P)
7. The following uses shall not be permitted:
 - a. Coating, engraving, and allied services
 - b. Converting paper to paperboard products, paper containers and boxes
 - c. Fabricating sheet metal products
 - d. Lamp shade manufacturing
 - e. Linoleum, asphalt-feltbase, and other hard surface floor cover manufacturing
 - f. Machine shop
 - g. Recycling and processing of any material permitted to be manufactured in this district
 - h. Wine, brandy, and brandy spirits manufacturing (P)
8. An on- or off-site stormwater retention mechanism shall be utilized in order to retain the 2, 10 and 100 year post development runoff and release at a 2, 10 and 100 year pre-development rate. (EE)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

07SN0213

In Bermuda Magisterial District, JAMES M. QUEEN requests a temporary manufactured home permit to park a temporary manufactured home in a Residential (R-7) District. The density of such amendment is approximately 0.87 unit per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This property is known as 15812 Meridian Avenue. Tax ID 796-635-1818.

Mr. Turner presented a summary of Case 07SN0213 and stated staff recommended approval, subject to conditions.

Senior Planner Donna McClurg stated she has spoken with the applicant's representative, who indicated the conditions were acceptable. (It is noted the applicant was not present.)

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. King stated in this case, he will accept staff's recommendation in the absence of a representative of the applicant.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 07SN0213, subject to the following conditions:

1. The applicant shall be the owner of the manufactured home. (P)
2. The temporary manufactured home permit shall be for the existing manufactured home only and shall be granted for

a period not be exceed seven (7) years from date of approval. (P)

3. No additional permanent-type living space may be added onto this temporary manufactured home. This temporary manufactured home shall be skirted but shall not be placed on a permanent foundation. (P)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

06SN0225

In Bermuda Magisterial District, TORSTEN PETERSON TRUSTEE requests rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.3 acres fronting approximately 320 feet on the north line of Bermuda Hundred Road approximately 510 feet east of Kingston Avenue. Tax IDs 820-652-1338 and 2728.

Ms. Beverly Rogers presented a summary of Case 06SN0225 and stated the Planning Commission recommended approval and acceptance of the proffered condition, noting that given the proximity of the request property to the interchange of Route 10 and Interstate 295, commercial uses would be appropriate. She further stated staff recommended denial because the proposal fails to comply with the Consolidated Eastern Area Plan, which suggests the property is appropriate for light industrial uses. She stated there were circumstances under which staff could support commercial uses on the site if the applicant had been willing to limit the commercial uses to uses that normally would be accessory to an industrial park; however, the applicant was not willing to agree to those limitations.

No one was present representing the applicant.

Mr. King requested that staff attempt to contact the applicant's representative, indicating that he is inclined to deny the case in the applicant's absence.

07SN0151

In Midlothian Magisterial District, WARD HAMILTON requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable-message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies in a Corporate Office (O-2) District on 6.3 acres and is known as 10800 Center View Drive. Tax ID 743-710-9675.

Ms. Rogers presented a summary of Case 07SN0151 and stated the Planning Commission recommended approval and acceptance of the proffered condition, noting that the site is located across the street from the rear of a shopping center in an

area that is not highly visible; therefore, it would be appropriate to deviate from the policy. She further stated staff recommended approval, subject to one condition that would require compliance with the Board's electronic message center policy, and that the proffered condition not be accepted.

In response to Mr. Warren's question, Ms. Rogers stated the applicant has agreed to the ten-second message change interval.

In response to Mr. Miller's question, Ms. Rogers stated the size of the sign is regulated by the zoning ordinance, and the applicant will comply with size limitations.

Mr. Ward Hamilton requested the Board's approval of Case 07SN0151 and acceptance of the proffered condition.

Mr. King called for public comment.

No one came forward to speak to the request.

In response to Mr. Miller's questions, Mr. Hamilton stated white is not an option for the message color, and amber is very institutional. He further stated the property is located in a park-like setting, and he would prefer that the message be in a color other than amber. He stated the additional lines of copy would provide the opportunity for more events to be advertised.

Mr. Sowder stated he is very familiar with the location of the Robious Sports and Fitness Center. He further stated the facility is in a non-residential area, and the requested sign should not represent an undesirable interference.

Mr. Sowder then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0151 and accept the following proffered condition:

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of four (4) lines which shall not move, but may fade;
- b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- c. Flashing and traveling messages shall be prohibited; and
- d. Bijou lighting and animation effects shall be prohibited. (P)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

06SN0225

In Bermuda Magisterial District, TORSTEN PETERSON TRUSTEE requests rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.3 acres fronting approximately 320 feet on the north line of Bermuda Hundred Road approximately 510 feet east of Kingston Avenue. Tax IDs 820-652-1338 and 2728.

Ms. Rogers stated staff attempted to contact the applicant's representative with no success.

Mr. King stated it is possible the applicant's representative did not receive notification; therefore, he feels obligated to defer the request for 30 days. He requested that staff contact the applicant's representative and inform him that the request will be denied if he is not present at the January 24th meeting.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. King, seconded by Mr. Miller, the Board deferred Case 06SN0225 until January 24, 2007.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17. PUBLIC HEARINGS

17.A. TO CONSIDER PROPOSED AMENDMENTS PERTAINING TO SETBACKS AND DEVELOPMENT STANDARDS IN THE ROUTE 10 CORRIDOR EAST, OLD STAGE AND COXENDALE ROADS CORRIDOR, AND ENON CORE DISTRICT

Planning Administrator Carl Schlaudt stated this date and time has been advertised for a public hearing for the Board to consider amendments relating to setbacks and development standards in the Route 10 Corridor East, Old Stage and Coxendale Roads Corridor, and Enon Core District.

Mr. King called for public comment.

No one came forward to speak to the ordinance amendments.

Mr. King stated the amendments will allow for reduced setbacks off of Route 10 to allow valuable commercial land to be developed in these three areas.

In response to Mr. Miller's questions, Mr. Turner stated staff looked at this area and saw that the character of the area was not the forested character like that of other corridors. He further stated the shallow properties in this area did not have much depth to accommodate larger setbacks. He stated the proposed amendments will enhance architectural requirements along the Route 10 Corridor and will orient buildings so that the parking areas are located behind them,

improving the aesthetics of the corridor while enhancing the commercial viability.

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 19-505, 19-580, 19-587, 19-587.1, 19-587.2, 19-587.3, 19-588, 19-588.1, 19-588.2, 19-589.1, AND 19-589.2; REPEALING SECTIONS 19-587.4, 19-588.3, 19-588.4, AND 19-588.5, AND ADDING SECTION 19-589.5 RELATING TO ROUTE 10 CORRIDOR EAST, ENON CORE DISTRICT, AND OLD STAGE AND COXENDALE ROADS CORRIDOR SETBACKS AND DEVELOPMENT STANDARDS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

- (1) That Sections 19-505, 19-580, 19-587, 19-587.1, 19-587.2, 19-587.3, 19-588, 19-588.1, 19-588.2, 19-589.1 and 19-589.2 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted, Sections 19-587.4, 19-588.3, 19-588.4, and 19-588.5 are repealed, and Section 19-589.5 is added all to read as follows:

Sec. 19-505. Measurement of yards.

o o o

(e) For purposes of determining yard setbacks, the setback shall be measured from a 160-foot right-of-way in those instances where 200-foot right-of-way has been dedicated to the county in the following locations:

- (1) Route 360, from Route 288 to the Amelia County Line;
- (2) Route 10:
 - a. From Irongate Drive to Courthouse Road;
 - b. From Krause Road to Buckingham Street;

Buildings, drives and parking within office, commercial and industrial districts:

The minimum setback area for buildings, drives and parking areas along Route 360 and Route 10 as listed in this Section, located outside of buffers, floodplains, wetlands and RPAs shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the minimum setback along these roads an additional 20 feet. Provided, however, the setback along these roads need not be increased by more than 90 percent of the amount of reducible side and rear yard area outside of buffers, floodplains, wetlands and RPAs. Side and rear yard setback area outside of buffers, floodplains, wetlands and RPAs may be reduced at a ratio of 1.1 square feet for each.

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Sec. 19-580. Specified areas.

(a) The Highway Corridor District shall include those lands identified on the zoning district map or otherwise described below that include:

- (1) The Jefferson Davis Highway corridor;
- (2) The Route 360 corridor east;
- (3) The Route 360 corridor west, which shall consist of Hull Street Road, extending from Courthouse Road to the Amelia County line, including all land to a depth of 1500 feet from the centerline of Hull Street Road, unless the parcel or project extends further than 1500 feet, in which case these requirements shall apply to the entire parcel or project;
- (4) The Route 10 corridor east;
- (5) The Courthouse Area Design District.

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Sec. 19-587. Route 10 Corridor East - purpose and intent.

The purpose of sections 19-587 through 19-587.2 is to provide architectural standards that reinforce and compliment area development, within the Route 10 Corridor East, located along Route 10, between I-95 and Hopewell.

Sec. 19-587.1. Route 10 Corridor East: Yard requirements for office, business and industrial districts.

Setbacks along Route 10: The minimum setback area for buildings shall be 30 feet from the ultimate right-of-way with the installation of perimeter landscaping J. The minimum setback along Route 10 for drives and parking shall be 40 feet, provided, however, that parking or associated driveways (not including driveways necessary for drive-through facilities) shall not be located any closer to Route 10 than the face of any building along the road. The minimum setback along Route 10 for driveways necessary for drive-through facilities shall be 30 feet from the ultimate right-of-way.

Sec. 19-587.2. Route 10 Corridor East: - architecture.

Within the Route 10 Corridor East all building exteriors visible to the public or adjacent properties shall be constructed of architectural materials consistent in quality, appearance and detail. When representative of good architectural design, different exterior materials may be used that vary in the amounts used on different exteriors. If concrete block is used, it shall have an adorned face except for smooth-faced block accents, all of which shall be integrally colored, painted or stained. If corrugated metal is used, it shall be pre-finished and used in context with a masonry wall extending a minimum height of four feet above the first floor elevation excluding windows. Buildings shall

be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses.

Architectural treatment of all buildings shall be compatible with best architectural examples of buildings located within the same project or within the same block or directly across any road, as determined by the Director of Planning. At locations where the existing buildings do not meet current Zoning Ordinance requirements for architectural treatment, the Director of Planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

Sec. 19-587.3. Route 10 Corridor East: internal circulation.

Within the Route 10 Corridor East, all development shall provide direct and convenient vehicular circulation onsite, and reciprocal access between properties. The intent of this subsection is to require shared access drives located to the rear of buildings that front Route 10, promoting interconnectivity of nonresidential development.

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Sec. 19-588. Courthouse Area Design District: purpose and intent.

The purpose of sections 19-588.1 and 19-588.2 is to provide standards that will encourage and enhance Colonial and Federalist architectural features that are compatible with the historic structures within, and in proximity to, the Chesterfield County Courthouse Complex.

Sec. 19-588.1 Courthouse Area Design District -- Architecture.

Within the Courthouse Area Design District, all buildings shall be compatible with Federalist and Colonial architecture as exemplified by the historic Chesterfield Courthouse, by Castlewood, and by Magnolia Grange. Architectural features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for walls and standing seam metal or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a Federalist or Colonial architectural styles, and using materials, fenestration, scale and other architectural features appropriate to those styles.

Sec. 19-588.2 Courthouse Area Design District -- Architectural compatibility.

Within the Courthouse Area Design District, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the

director of planning. At locations where the existing buildings do not meet current zoning ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

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Sec. 19-589.1. Enon Core District: Exceptional development standards.

(a) *Street tree planting:* Within the Enon Core District, it is the intent of perimeter landscaping J, as detailed in section 19-518(g)(12), to require the installation of street trees to increase the aesthetic appeal of Enon Core District, encourage high-quality development, provide shade for pedestrians and improve the quality of the environment. To this end, the following standards shall be met when utilizing perimeter landscaping J:

- (1) Trees shall be installed behind any sidewalk installed along a street. If it is determined during the site plan process to be impractical to install trees behind the sidewalk, they may be installed between the street and the sidewalk. If it is determined during the site plan process to be impractical to locate large deciduous trees due to conflicts with utility lines the trees may be relocated or if that is impractical, small deciduous trees may be substituted.
- (2) Trees installed shall be suitable for use as street trees and shall be selected for their ability to survive under adverse growing conditions as well as their aesthetic value.
- (3) While the intent of this section is not to require a single species to be planted throughout the entire Enon Core District, the director of planning may require a particular species in a particular location based on existing area landscaping.

Sec. 19-589.2. Enon Core District: Setback requirements for O and C Districts.

The minimum setbacks for all buildings, drives, and parking areas shall be as follows:

- (a) *Setbacks along Route 10.*
 1. The minimum setback for buildings shall be 15 feet from the ultimate right of way with the installation of perimeter landscaping J.
 2. The minimum setback for drives and parking shall be 25 feet with the installation of perimeter landscaping J provided, however, that parking or associated driveways (not including driveways necessary for drive-through facilities) shall not be located any closer to Route 10 than the face of any building along the road. The minimum setback

along Route 10 for driveways necessary for drive-through facilities shall be 15 feet from the ultimate right-of-way.

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Sec. 19-589.5. Enon Core District: internal circulation.

Within the Enon Core District, all development shall provide direct and convenient vehicular circulation onsite, and reciprocal access between properties. The intent of this subsection is to require shared access drives located to the rear of buildings that front Route 10, promoting interconnectivity of nonresidential development.

(2) That these ordinances shall become effective immediately upon adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17.B. TO CONSIDER THE TAX EXEMPTION REQUEST OF CHESTERFIELD ALTERNATIVES, INCORPORATED

Mr. Micas stated this date and time has been advertised for the Board to consider the tax exemption request of Chesterfield Alternatives, Incorporated.

Mr. Miller inquired whether Chesterfield Alternatives is involved with group homes funded by the Comprehensive Services Act.

Ms. Betty Beverly, President of Chesterfield Alternatives, came forward and stated the organization is not connected with group homes funded by the CSA. She further stated Chesterfield Alternative's group homes are housed with adults from the county's Community Services Board.

Mr. Micas stated, once tax exemption is granted, if the organization maintains a non-profit use, it is exempt in perpetuity. He further stated the organization could operate the homes in any fashion, as long as it is consistent with its charter.

Ms. Beverly stated Chesterfield Alternatives serves people with serious mental illness and mental retardation.

Mr. King called for public comment.

No one came forward to speak to the request.

Discussion ensued relative to the possibility of the organization's charter allowing for leasing of its facilities to private groups.

Mr. Micas stated Chesterfield Alternatives' charter is written broadly, and the organization could in certain circumstances lease to another vendor. He further stated the organization has a very long relationship with the county, and all of their properties are operated under the management and control of the Chesterfield Community Services Board.

Discussion ensued relative to the organization's sources of funding and screening of the residents housed in facilities of Chesterfield Alternatives.

Mr. Ramsey stated Chesterfield Alternatives already owns several homes that have been designated as tax exempt. He further stated the Board's greater control over the organization is with its annual contribution through the Community Services Board.

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following ordinance designating the real property of Chesterfield Alternatives, Incorporated tax exempt:

AN ORDINANCE TO DESIGNATE THE REAL PROPERTY
OF CHESTERFIELD ALTERNATIVES, INC.
TO BE EXEMPT FROM PROPERTY TAXATION

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from Chesterfield Alternatives, Inc. to consider granting it a tax exemption for two specific pieces of real property owned by it in Chesterfield County and described as County Property Tax Parcel ID Nos. 768664731100000 and 794635968100000; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that Chesterfield Alternatives, Inc. meets the requirement for the real property tax exemption that it has requested by reason of its being a non-profit organization which uses the real property for which it is requesting the exemption for benevolent purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. Chesterfield Alternatives, Inc. is hereby designated a benevolent organization within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. The real property located in Chesterfield County owned by Chesterfield Alternatives, Inc. and described as County Property Tax Parcel ID Nos. 768664731100000 and 794635968100000 is used by such organization exclusively for benevolent purposes on a non-profit basis as set forth in Section 1 of this ordinance and is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real property tax exemption shall be effective as of January 1, 2007.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17.C. TO CONSIDER THE TAX EXEMPTION REQUEST OF VIRGINIA BAPTIST CHILDREN'S HOME AND FAMILY SERVICES

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider the tax exemption request of Virginia Baptist Children's Home and Family Services. He noted the organization works closely with the Chesterfield-Colonial Heights Department of Social Services, placing children in foster care situations.

Mr. King called for public comment.

Mr. Steven Richardson, President of Virginia Baptist Children's Home and Family Services, stated the organization operates its foster care office in this area, serving a number of children in the county, and looks forward to serving others in the future.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board adopted the following ordinance designating the real property of Virginia Baptist Children's Home and Family Services tax exempt:

**AN ORDINANCE TO DESIGNATE THE REAL PROPERTY OF
VIRGINIA BAPTIST CHILDREN'S HOME AND FAMILY SERVICES
TO BE EXEMPT FROM PROPERTY TAXATION**

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from the Virginia Baptist Children's Home and Family Services to consider granting it a tax exemption for a specific piece of real property owned by it in Chesterfield County and described as County Property Tax Parcel ID No. 794655096600000; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that the Virginia Baptist Children's Home and Family Services meets the requirement for the real property tax exemption that it has requested by reason of its being a non-profit organization which uses the real property for which it is requesting the exemption for benevolent purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. The Virginia Baptist Children's Home and Family Services is hereby designated a benevolent organization within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. The real property located in Chesterfield County owned by the Virginia Baptist Children's Home and Family Services and described as County Property Tax Parcel ID No. 794655096600000 is used by such organization exclusively for benevolent purposes on a non-profit basis as set forth in Section 1 of this ordinance and is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real property tax exemption shall be effective as of January 1, 2007.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17.D. TO CONSIDER THE TAX EXEMPTION REQUEST OF THE EPPINGTON FOUNDATION

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider the tax exemption request of The Eppington Foundation.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following ordinance designating the real property of The Eppington Foundation tax exempt:

AN ORDINANCE TO DESIGNATE THE REAL PROPERTY
OF EPPINGTON FOUNDATION
TO BE EXEMPT FROM PROPERTY TAXATION

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local

taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from the Eppington Foundation to consider granting it a tax exemption for a specific piece of real property owned by it in Chesterfield County and described as County Property Tax Parcel ID No. 705635268700000; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that the Eppington Foundation meets the requirement for the real property tax exemption that it has requested by reason of its being a non-profit organization which uses the real property for which it is requesting the exemption for historical purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. The Eppington Foundation is hereby designated a historical organization within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. The real property located in Chesterfield County owned by the Eppington Foundation and described as County Property Tax Parcel ID No. 705635268700000 is used by such organization exclusively for historical purposes on a non-profit basis as set forth in Section 1 of this ordinance and is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real property tax exemption shall be effective as of January 1, 2007.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17.E. TO CONSIDER AMENDING SECTION 14-10 OF THE COUNTY CODE RELATING TO DISCHARGING FIREARMS

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider amending Section 14-10 of the County Code relating to discharging firearms. He further stated the ordinance amendment will allow black powder firearms for historical reenactments and the discharge of starter blank weapons to initiate athletic competitions.

He stated both the Police Department and the Virginia Citizens Defense League support the amendment.

Mr. King called for public comment.

Mr. Ken Chandler, a resident of the Midlothian District, stated this is a common sense proposal and requested the Board's support.

There being no one else to speak to the ordinance amendment, the public hearing was closed.

Mr. Miller suggested that the language be amended to include "using blanks" following "the discharge of black powder firearms."

Discussion ensued relative to ceremonial and patriotic displays.

Mr. Micas stated the Board could add the following exception to the ordinance amendment: "(vii) ceremonial and patriotic displays." He further stated this would allow for 21-gun salutes, but would not be limited to black powder firearms.

Mr. C. L. Morrisette stated, in his opinion, the Board should be required to re-advertise the public hearing to make a change in the proposed ordinance amendment.

Mr. Micas stated the purpose of a public hearing is to modify any proposed amendments, if the Board feels necessary, indicating that re-advertisement is not necessary. He then re-stated the suggested changes to the proposed amendment: add "using blanks" in (v) following black powder firearms; and add an additional subsection (vii) "ceremonial and patriotic displays."

Mr. Warren made a motion, seconded by Mr. King, for the Board to adopt the following ordinance, including the two suggested changes:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 14-10 RELATING TO
DISCHARGING FIREARMS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 14-10 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 14-10. Same--Discharging firearms.

- (a) No person shall discharge any firearm within the county within 600 feet of a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place.
- (b) Any person violating the provisions of this section shall be punishable by a fine of not more than \$1,000.00.

(c) This section shall not apply to a (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge, on land of at least five acres that is zoned for agricultural use, of a firearm for the killing of deer pursuant to Code of Virginia, § 29.1-529; (iv) the discharge of a firearm that is otherwise specifically authorized by law; (v) the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations; (vi) the discharge of starter blank weapons to initiate athletic competitions; or ceremonial and patriotic displays.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17.F. TO CONSIDER THE TAX EXEMPTION REQUEST OF MIDLOTHIAN YOUTH SOCCER LEAGUE

Mr. Micas stated this date and time has been advertised for the Board to consider the tax exemption request of Midlothian Youth Soccer League. He further stated the recreational use does meet the county's standards for exemption; however, the collective tax on the two parcels is slightly above the Board's policy limit of \$5,000 per year exemption. He stated the County Administrator recommends approval.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. Miller expressed concerns relative to deviating from the county's policy with regard to the tax exemption limit.

Mr. Ramsey stated the Midlothian Youth Soccer League has provided the county significant relief through the use of its soccer fields.

Mr. Warren stated he supports the request based on Mr. Ramsey's recommendation.

Mr. Warren then made a motion, seconded by Mr. King, for the Board to adopt the following ordinance designating the real property of Midlothian Youth Soccer League tax exempt:

AN ORDINANCE TO DESIGNATE THE REAL
PROPERTY OF MIDLOTHIAN YOUTH SOCCER LEAGUE
TO BE EXEMPT FROM PROPERTY TAXATION

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from the Midlothian Youth Soccer League to consider granting it a tax exemption for two specific pieces of real property owned by it in Chesterfield County and described as County Property Tax Parcel ID Nos. 728657812300000 and 727657874000000; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that the Midlothian Youth Soccer League meets the requirement for the real property tax exemption that it has requested by reason of its being a non-profit organization which uses the real property for which it is requesting the exemption for park and playground purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. The Midlothian Youth Soccer League is hereby designated as an organization operating a public park and play ground within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. The real property located in Chesterfield County owned by the Midlothian Youth Soccer League and described as County Property Tax Parcel ID Nos. 728657812300000 and 727657874000000 is used by such organization exclusively for park and playground purposes on a non-profit basis as set forth in Section 1 of this ordinance and is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real property tax exemption shall be effective as of January 1, 2007.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: King, Humphrey, Sowder and Warren.
Nays: None.
Abstain: Miller.

17.G. TO CONSIDER THE TAX EXEMPTION REQUEST OF EDUCATIONAL CREDIT MANAGEMENT CORPORATION

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider the tax exemption request of Educational Credit Management Corporation. He further stated, although the applicant is a non-profit organization, it is staff's opinion that ECMC does not provide the kind of benevolent services to underprivileged,

handicapped or disadvantaged groups for which the Board has traditionally granted a tax exemption.

Mr. King called for public comment.

Mr. Mike Hawkes, Director of Policy and Communications for Educational Credit Management Corporation, informed the Board that the State Education Assistance Authority was dissolved in April 1997, and ECMC, a private nonprofit corporation, was named by the U.S. Department of Education to take the place of the state agency. He stated the Higher Education Act, as amended, requires that the designated guarantor for a state be either a private nonprofit corporation or a state agency. He provided details of the misunderstanding with the organization's finance department in Saint Paul, Minnesota resulting in the delinquent payment of taxes. He stated when ECMC has excess revenues, a portion is returned to the U.S. Treasury under formulas determined by the Higher Education Act, and the remaining monies go to the ECMC Foundation, which provides scholarships to students in need. He further stated the organization's mission is to promote higher education among those who are traditionally underrepresented in higher education. He noted ECMC has guaranteed over \$18 million in loans in 2006 for schools located in Chesterfield County.

Mr. Miller stated the U.S. Treasury is not non-profit, and granting an exemption for ECMC would lessen the burden on the federal government. He stated he looks at this as another tax and will not support the request.

There being no one else to speak to the request, the public hearing was closed.

Mr. Miller made a motion, seconded by Mr. King, for the Board to deny the tax exemption request of Educational Credit Management Corporation.

Mrs. Humphrey stated the Board must be cautious when granting tax-exempt status. She requested that Mr. Hawkes educate the Board further by providing additional details relative to use of excess revenues and how the organization is benefiting county residents and students.

In response to Mr. Sowder's question, Mr. Hawkes stated ECMC has guaranteed \$18 million in loans under the Federal Family Education Program to Chesterfield County students, with the interest rate set by Congress. He provided details of ECMC's role in the student loan process.

Mr. King called for a vote on the motion of Mr. Miller, seconded by Mr. King, for the Board to deny the tax exemption request of Educational Credit Management Corporation.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Abstain: Sowder.

17.H. TO CONSIDER AMENDING AN ORDINANCE TO PROHIBIT GRASS, WEEDS AND BRUSH EXCEEDING EIGHTEEN INCHES IN HEIGHT ON VACANT PROPERTY ZONED AGRICULTURAL

Assistant County Attorney Tara McGee stated this date and time has been advertised for a public hearing for the Board

to consider an ordinance amendment to prohibit grass, weeds and brush exceeding 18 inches in height on vacant property zoned agricultural. She provided photos of grass and weeds on residentially zoned property, which is currently regulated by the county. She stated there are three types of agricultural parcels - 1) occupied developed agricultural parcels; 2) vacant undeveloped agricultural parcels; and 3) vacant developed agricultural parcels. She noted the only type of agricultural parcels the county is proposing to regulate are the vacant developed agricultural parcels. She stated the proposed ordinance would regulate the grass and weeds on these parcels to 18 inches within 150 feet of the residence on the property. She provided photos of exceptions written into the ordinance, including pastures, land under cultivation, forested land, utility easements and conservation easements. She stated the Agricultural and Forestry Committee supports the proposed ordinance amendment.

Mr. King called for public comment.

No one came forward to speak to the ordinance amendment.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 11-32 RELATING TO GRASS, WEEDS &
BRUSH ON VACANT PROPERTY ZONED AGRICULTURAL

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 11-32 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 11-32. Unlawful conditions of weeds, grass, shrubbery, trees and other vegetation generally.

- (a) (1) No owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of 18 inches in height unless located in areas within the property that are used for pastures, under cultivation, forested, subject to utility transmission easements or where the vegetative growth is regulated under state or federal laws or programs.
- (2) No owner of vacant developed property zoned agricultural shall permit any grass, weeds, brush, or other uncontrolled vegetation in excess of 18 inches in height on any area that is within 150 feet of any residence or dwelling on the property, unless such area is a pasture, under cultivation, forested, subject to a utility transmission easement or where the vegetative growth is regulated under state or federal laws or programs.

- (3) No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon, or in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.
- (4) No owner of occupied residential real property shall permit to remain on such property or any part thereof a grass or lawn area of less than one-half acre when growth on such grass or lawn area exceeds 12 inches in height. This paragraph shall not apply to land zoned for or in an active farming operation.
- (5) Upon remedying any such unlawful condition, the owner shall dispose of such vegetation in a manner that eliminates any potential fire hazard.
- (b) Whenever the county administrator, or the official designated by him, has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within such reasonable time as is specified in the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address of the owner and shall be complied with by the owner.

If such grass, weeds, brush or other uncontrolled vegetation are not cut within the required time, the county official designated by the county administrator shall cause them to be cut and the costs and expenses thereof, including an administrative handling charge of \$35.00, shall be billed to the property owner and if not paid shall be added to and collected in the same manner as the real estate tax on such property. The county administrator or his designee shall certify the costs and expenses to the treasurer of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of 60 days, then the treasurer shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses in the records of the clerk's office.

- (c) Every charge authorized by this section as a result of a violation of paragraphs (a)(1) or (a)(2) with which the owner and lien holder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Code of Virginia, tit. 58.1, ch. 39, arts. 3 and 4 (§§ 58.1-3940--58.1-3974), as amended. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business

association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

- (d) Any owner who violates paragraphs (a)(1) or (a)(2) of this section shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period.
- (e) Violations of paragraphs (a)(1) or (a)(2) shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.
- (f) Any violation of paragraph (a)(4) of this section shall be punishable by a civil penalty not to exceed \$100.00.
- (2) That this ordinance shall become effective immediately upon adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.
Nays: None.

**17.I. TO CONSIDER PROPOSED AMENDMENTS TO WATER QUALITY
ORDINANCES IN THE UPPER SWIFT CREEK WATERSHED**

Mr. Scott Flanigan stated this date and time has been advertised for a public hearing for the Board to consider proposed amendments to water quality ordinances in the Upper Swift Creek Watershed. He stated two very important changes have occurred - 1) in-stream BMPs, large ponds, are no longer an acceptable option for storm water treatment; and 2) the cost of stream mitigation is a new requirement that was not considered in the 2000 Master Plan. He provided an overview of the proposed amendments and the outcome of adoption of the amendments. He stated, in the late 1990's or early 2000's, storm water treatment using regional ponds in-stream was an acceptable practice, and many localities pursued it. He further stated the Environmental Protection Agency, the Corps of Engineers, and the Department of Fish and Wildlife no longer look at the in-stream ponds favorably.

In response to Mr. Warren's question, Mr. Flanigan stated a very well attended meeting took place in November 2006, with many positive responses to the proposed amendments from those in attendance.

Mr. King called for public comment.

Mr. William Shewmake stated, as a member of the Planning Commission when the .22 phosphorous level standard was

adopted, he advocated for a sunset provision because of concerns that in-stream BMPs might not be allowed. He further stated it is vital for the Board to embrace new technologies to maintain the .22 standard. He expressed concerns that regional ponds would be very costly to maintain and ultimately fall back onto the county.

Mr. Michael Charmin, a homeowner in Charter Colony, expressed concerns that the county's Regional BMP Plan was turned down by the Army Corps of Engineers three separate times. He also expressed concerns relative to the silt basin adjacent to his property, which collects debris and mosquitoes, indicating that the county has an obligation to do something about the silt basin.

Mr. Warren stated he shares Mr. Charmin's frustration and has attended a number of meetings in the Upper Swift Creek Corridor. He further stated the Board must rely on staff's expertise and the people they involve in the process.

Mr. Tyler Craddock, representing the Homebuilding Association of Richmond, stated he still believes the Regional BMP Plan is the best system to serve the future and current housing needs of the county, indicating that he hopes continued attempts to garner Corps support for that type of plan would remain on the table. He further stated, if the ordinance amendments are approved, the Homebuilding Association looks forward to being able to move forward with consideration of cases in the Upper Swift Creek Watershed that have been stalled over the pollutant removal issue. He urged the Board to support the proposed ordinance amendments, although his larger preference would be for the regional plan. He stated the Homebuilding Association will be do anything possible to help the county gain approval of a Regional BMP Plan by the Corps of Engineers.

Mr. Mark Sowers expressed concerns that sediment basins were not made to filter and do the things the BMP Plan was designed for. He requested that the Board consider eliminating the need to keep the sediment basins in place if a developer meets the .22 phosphorous standard.

Discussion ensued relative to the use of sediment basins during the construction process.

Mr. Bobby Moore, a resident of Charter Colony, expressed concerns relative to sediment basins in his neighborhood, indicating that the area in which he lives is supposed to embody the best of Chesterfield's planning.

Mr. George Bryant expressed concerns relative to difficulties in meeting the .22 phosphorous standard on-site, indicating that the ponds get very long and strung-out and a lot of land is absorbed by them. He inquired about the possibility of increasing the .22 phosphorous standard. He stated it is much easier to place sediment basins close to areas where water is already running.

Mr. C. L. Morrisette, Jr. referenced two Supreme Court cases, in which the judge ruled that the Army Corps of Engineers had no jurisdiction except over the navigable waters. He suggested that the county question the Corps' authority relative to its Water Quality Plan.

Mr. Peter Sung, Sr., a resident of Charter Colony, expressed concerns relative to the sediment basins in his neighborhood and suggested that the Board move forward and do whatever is necessary to have them removed.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. Miller provided details of the many hours he spent serving on the water strategies committee and stated he does not know now, and never did know, whether the .22 phosphorous standard was right. He stated he sometimes felt that the things the developers were being requested to do were an imposition on their private property rights. He further stated he questioned who would ultimately pay for maintenance of the regional BMPs. He stated he thinks a lot of misinformation was provided that was accepted as fact, and if he could do it over again, he would have written a dissenting report. He expressed concerns relative to the unsightliness and health hazards associated with sediment basins and questioned why people would purchase homes next to them. He stated he might be inclined to abstain from voting on the proposed amendments and take a further look at the issue.

Mr. Ramsey assured the Board that the proposed amendments allow the Board to look at innovative alternatives to the BMPs, as suggested by Mr. Shewmake. He stated the current ordinances are dependent on in-stream ponds that were part of the Regional BMP Plan, which can no longer be implemented. He further stated staff's major concern is the state mandate that the phosphorous content in the Swift Creek Reservoir not exceed .04, indicating that there is no question it will go over that amount without the proposed ordinance amendments.

Mr. Warren stated it is clear that the Board must eliminate the language dealing with in-stream ponds because the Corps of Engineers will not approve them. He further stated staff has agreed to give new technologies serious consideration; Mr. Ramsey has provided details of the state mandate for the phosphorous content in the reservoir; and the Homebuilding Association supports the proposed amendments, indicating that he hopes the Board will move forward with adopting the ordinance amendments.

Discussion ensued relative to determination of vested property owners.

Mrs. Humphrey inquired whether the proposed ordinance amendments will address the sediment basin concerns of the residents in Charter Colony.

Mr. McElfish stated the current ordinance mandates that the temporary sediment basins cannot be filled in until the county obtains its permit for the Regional BMP Program. He further stated the proposed ordinance amendments will eliminate that requirement and allow a developer to systematically fill in sediment basins after he has complied with the pollutant removal requirements or paid a pro-rata share equal to that which would have been paid under the Regional BMP Program.

Discussion ensued relative to responsibility for cleaning and maintaining sediment basins.

Mrs. Humphrey expressed concerns relative to the money spent by the county in an effort to gain the Corps of Engineers' approval of the county's Regional BMP Program that has still not been approved.

In response to Mrs. Humphrey's questions, Mr. Bryant came forward and stated runoff from commercial sites has a much higher phosphorous content than from residential sites because of additional asphalt and less pervious area, indicating that it is extremely difficult to meet the .22 phosphorous standard on one piece of commercial property. He further stated, in his opinion, a Regional BMP Program is a better solution than individual BMPs. He stated, if it were up to him, he would keep the Regional BMP Plan, but change the location of the BMPs.

Mr. Sowder stated he has heard very clearly that the Regional BMP Plan seems to have merit and inquired whether approval of the proposed amendments would take the emphasis off of a Regional BMP Plan.

Mr. McElfish stated the proposed amendments are the first step in requiring that water quality issues be addressed on-site, indicating that the county still plans to pursue the regional BMP concept.

Mr. King expressed concerns relative to the money that has been spent in an effort to gain the Corps of Engineers' approval of the county's Regional BMP Program. He stated this is a very confusing issue, and he will abstain from voting on it at this time.

Mr. Warren made a motion for the Board to approve the proposed water quality ordinance amendments.

Mr. Warren stated the County Administrator and staff recommend approval of the ordinance amendments; new technologies are always being considered; and the proposed amendments allow the flexibility for the regional BMP approach to still be encouraged wherever those can be located. He further stated, although it is not perfect, the ordinance is a step in the direction of protecting the reservoir.

In response to Mr. Warren's question, Mr. Micas stated the ordinance amendments represent the beginning of the transition from the in-stream regional to other approaches, including regional off-stream and on-site.

Mrs. Humphrey stated she will not second Mr. Warren's motion because the proposed ordinance amendments will only do a small piece in addressing the concerns of the residents in Charter Colony, indicating that she believes it is another 'patch job.'

Mr. Sowder stated he cannot support the amendments as proposed without additional education on the issue.

Discussion ensued relative to the Corps of Engineers' refusal to allow in-stream BMPs.

Mr. Warren's motion for approval died for lack of a second.

Mr. Miller suggested that the Board schedule a work session to discuss this issue. He expressed concerns relative to complexity of the determination of vested property owners.

Mr. Miller then made a motion for the Board to schedule a work session regarding the water quality ordinances in the Upper Swift Creek Watershed.

Mr. Micas stated the Board needs a motion to defer the public hearing to some future date.

Discussion ensued relative to deferring the public hearing.

Mr. Warren expressed concerns that delaying approval of the ordinance amendments will add to the problems that already exist.

Mr. Miller stated he wants better answers before rushing into approving the ordinance amendments, which ultimately may not be in the best interest of developers or residents.

Mr. King made a substitute motion for the Board to defer the public hearing to consider proposed amendments to water quality ordinances in the Upper Swift Creek Watershed until March 14, 2007 and to direct staff to schedule a work session as soon as possible after January 1st.

Mrs. Humphrey stated, in her opinion, the proposed amendments are too comprehensive.

Mr. Miller seconded Mr. King's motion.

Mr. King called for a vote on his motion, seconded by Mr. Miller, for the Board to defer the public hearing to consider proposed amendments to water quality ordinances in the Upper Swift Creek Watershed until March 14, 2007 and to direct staff the schedule a work session as soon as possible after January 1st.

Ayes: King, Miller, Humphrey and Sowder.
Nays: Warren.

Mr. Warren excused himself from the meeting.

**17.J. TO CONSIDER THE CONVEYANCE OF LEASES OF REAL PROPERTY
AT VARIOUS PARK SITES AND ATHLETIC COMPLEXES FOR
OPERATION OF FOOD CONCESSIONS BY CO-SPONSORED ATHLETIC
ASSOCIATIONS AND LEAGUES**

Mr. Golden stated this date and time has been advertised for a public hearing for the Board to consider the conveyance of leases of real property at various park sites and athletic complexes for operation of food concessions by co-sponsored athletic associations and leagues, as outlined in the papers of this Board. He stated the Parks and Recreation Advisory Commission recommends approval.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved the conveyance of leases of real property for operation of food concessions at various park sites, with terms from January 1, 2007 through December 31, 2009.

Ayes: King, Miller, Humphrey and Sowder.

Nays: None.

Absent: Warren.

17.K. TO CONSIDER AMENDMENT TO SECTION 19-25 OF THE COUNTY CODE RELATING TO PLANNING DEPARTMENT FEE EXEMPTIONS FOR QUALIFYING PROPERTY IN THE JEFFERSON DAVIS AND WALTHALL ENTERPRISE SUBZONES

Mr. Micas stated the Board adopted a number of amendments in September 2006 relating to the Jefferson Davis and Walthall Enterprise Zones. He further stated one of those amendments related to Planning Department fees, which changed a zoning ordinance, and it should have first been approved by the Planning Commission. He stated the Planning Commission held its public hearing on November 16, 2006 and recommended adoption of Section 19-25. He stated this date and time has been advertised for a public hearing for the Board to consider readoption of an amendment to Section 19-25 of the Zoning Ordinance.

Mr. King called for public comment.

No one came forward to speak to the ordinance amendment.

On motion of Mr. King, seconded by Mr. Sowder, the Board readopted the following amendment to Section 19-25 of the Zoning Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 19-25 OF THE ZONING ORDINANCE RELATING TO PLANNING DEPARTMENT FEE EXEMPTIONS FOR SUBZONES WITHIN THE JEFFERSON DAVIS AND WALTHALL ENTERPRISE ZONES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-25 of the Code of the County of Chesterfield, 1997, is amended and re-enacted to read as follows:

Sec. 19-25. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

o o o

(f) Enterprise zone or subzone fee exemptions:

(1) For any office, commercial or industrial use within an enterprise zone or subzone

designated by the Commonwealth of Virginia, no application fee shall be required for the following actions, provided the director of planning determines that the request is in compliance with the comprehensive plan:

- a. Amend a condition of zoning
- b. Conditional use or planned development
- c. Deferral
- d. Sign permit
- e. Site plan review, resubmittal of site plan, or adjustment to an approved site plan
- f. Substantial accord determination
- g. Zoning reclassification

This exemption shall continue for the life of the enterprise zone or subzone. The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(2) That this ordinance shall become effective January 1, 2007.

Ayes: King, Miller, Humphrey and Sowder.

Nays: None.

Absent: Warren.

17.L. TO CONSIDER AMENDING THE FY2007 BUDGET TO APPROPRIATE AN ADDITIONAL \$5.0 MILLION TRANSFER TO SCHOOLS

Mr. Carmody stated this date and time has been advertised for the Board to consider amending the FY2007 budget to appropriate a \$5.0 million increase in the Transfer to Schools for use for security equipment in the elementary and middle schools and for replacement buses for the school system.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board amended the FY2007 budget to appropriate an additional \$5.0 million Transfer to Schools and increased the Transfer from Schools Operating Budget to Schools Capital Projects by \$2.7 million.

Ayes: King, Miller, Humphrey and Sowder.

Nays: None.

Absent: Warren.

17.M. TO CONSIDER THE VACATION OF A PORTION OF A FIFTY-FOOT UNIMPROVED RIGHT OF WAY DEDICATED BY TASCON-IRONBRIDGE, L.L.C.

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the vacation of a portion of a 50-foot unimproved right of way dedicated by Taxcon-Ironbridge, L.L.C.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 50-foot unimproved right of way dedicated by Tascon-Ironbridge, L.L.C., as shown on a plat filed with the papers of this Board, subject to combining all parcels accessed by the right of way.

Ayes: King, Miller, Humphrey and Sowder.

Nays: None.

Absent: Warren.

17.N. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF WATER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE SOUTHWEST CORRIDOR WATERLINE PROJECT

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of water and temporary construction easements for the Southwest Corridor Waterline Project.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board approved the exercise of eminent domain for the acquisition of water and temporary construction easements for the Southwest Corridor Waterline Project, across the following properties: George A. and Ruth M. Harris, 11966 River Road, PIN: 744633454300000; James H. Eggleston, 9829 River Road, PIN: 757615245900000; Gary W. Schall, 10009 River Road, PIN: 756617036000000, \$1,311.00; and Willie and Juanita Lee, 11330 River Road, PIN: 748629903500000.

And, further, the Board authorized staff to enter and take such easements prior to eminent domain proceedings. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Sowder.

Nays: None.

Absent: Warren.

Mr. Warren returned to the meeting.

17.O. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF A VARIABLE WIDTH WATER EASEMENT AND TEN-FOOT TEMPORARY CONSTRUCTION EASEMENT FOR THE SOUTHWEST CORRIDOR WATERLINE PROJECT

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of a variable width water easement and ten-foot temporary construction easement for the Southwest Corridor Waterline Project.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board authorized the County Attorney to proceed with eminent domain for the acquisition of a variable width water easement and 10-foot temporary construction easement for the Southwest Corridor Waterline Project across the property of Jerry A. Eades, Incorporated, at 10818 River Road, PIN: 753628461700000. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

17.P. TO CONSIDER THE LEASING OF COUNTY PROPERTY AT ALBERTA SMITH ELEMENTARY SCHOOL

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the leasing of county property at Alberta Smith Elementary School to T-Mobile.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board approved the leasing of county property at Alberta Smith Elementary School to T-Mobile. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

18. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining requests for manufactured home permits or zoning at this time.

19. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Mr. C. L. Morrisette, Jr. addressed each of the Board members relative to issues that evolved and their service during 2006.

20. ADJOURNMENT

On motion of Mr. Sowder, seconded by Mrs. Humphrey, the Board adjourned at 10:12 p.m. until January 10, 2007 at 3:00 p.m. for its organizational meeting.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

R. M. "Dickie" King, Jr.
Chairman